

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIE JACKSON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:13CV277 AGF
)	
FACEBOOK, INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. Based on the financial affidavit provided with the motion, the Court has determined that plaintiff cannot afford to pay the filing fee. As a result, the Court will grant the motion.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. An action is frivolous if it "lacks an arguable basis in either law or fact." Neitzke v. Williams, 490 U.S. 319, 328 (1989); Denton v. Hernandez, 504 U.S. 25, 31 (1992). An action is malicious if it is undertaken for the purpose of harassing the named defendants and not for the purpose of vindicating a cognizable right. Spencer v. Rhodes, 656 F. Supp. 458, 461-63 (E.D.N.C. 1987), aff'd 826 F.2d 1059 (4th Cir. 1987). A complaint fails to state a claim if it does not plead "enough facts to state a claim to relief that is plausible on its face." Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

Plaintiff has filed an amended complaint as directed by the Court. Plaintiff states that the basis for the Court's jurisdiction is the Federal Wiretap Act, 18 U.S.C. § 2511, 2520. However, the complaint does not contain any factual allegations to support his claim for federal court jurisdiction.

As is stated above, a complaint, even a pro se one, must contain sufficient facts to state a plausible claim for relief. See Twombly, 550 U.S. at 570. Because the instant complaint does not contain any facts that, if proved, would support a claim for relief, the complaint is legally frivolous. As a result, the Court will dismiss this action under 28 U.S.C. § 1915(e).

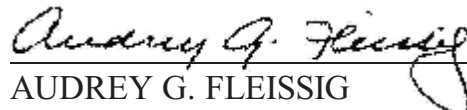
Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed with this Memorandum and Order.

Dated this 30th day of April, 2013.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE